

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, July 12, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary.

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

COMMISSIONER COMMENTS

Comments were provided by Commissioners Young, Smith, and Gray.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

PUBLIC COMMENTS

None.

WORKSESSION

FrederickWORKS One Job at a Time Recognition – Frederick School of Cosmetology

The Board recognized Frederick School of Cosmetology for their participation in the FrederickWORKS One Job at a Time initiative.

PUBLIC HEARING

To Consider the Brunswick Community Plan Amendment – John Dimitriou, Community Development Division

A public hearing was held, as duly advertised, on the proposed Brunswick Community Plan Amendment.

Mr. Dimitriou and Mr. Jim Gugel, Community Development Division, presented the proposed plan amendment. Carroll Jones, Mayor and Mr. Bruce Dell, City of Brunswick, were present.

Public comment was received from:

- Dorothy Wood
- Brenda Machen

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

No action was taken as this public hearing was for the benefit to receive public comments. The Board will make a decision at their meeting scheduled for Thursday, July 26.

WORKSESSION

**Briefing by Frederick County Public Schools College and Career Ready Taskforce,
Workforce Development Board and Chamber of Commerce Business Roundtable for
Education – Laurie Holden, Citizens Services Division**

Mr. Steve Hess, Frederick County Public Schools; Ms. Nikki Moberly, Workforce Development Board and Senior Director with Cisco Systems; and Mr. Ric Adams, Frederick County Chamber of Commerce, briefed the Board on education, business, and county partnerships that prepare the future workforce in the county.

There was no public comment.

No action was taken as this item was informational.

Frederick County Real Property Tax Credit – Lori Depies, Finance Division

Ms. Depies presented the proposal to grant a \$100 county real property tax credit to homeowners on their owner-occupied property as an appropriate use of the one-time FY 2011 fund balance.

Commissioner Young moved to take the tax credit through the public review process. Commissioner Shreve seconded the motion that passed 3-1-1 with Commissioner Gray opposed and Commissioner Smith abstained.

It was noted the public hearing would be held on Thursday, August 2 at 10:00 a.m.

Residency Requirement for Business Development Advisory Council (BDAC) – Helen Riddle, Business Development and Retention Division

Ms. Riddle presented the request to change the residency requirement of otherwise qualified potential BDAC members if their position, employer, or business is in Frederick County.

There was no public comment.

Commissioner Young moved to amend Resolution No. 12-08 to include BDAC in the exception provision. Commissioner Smith seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**Proposed Revisions to Affordable Housing Council (AHC) Bylaws – Jenny Short,
Citizens Services Division**

Ms. Short and Ms. Pat Rosensteel, Citizens Services Division, presented the revisions.

Commissioner Smith moved to approve the AHC bylaws to reduce the voting membership from 13 to 11 members and to change the term of officers to one-year with the option to renew for one additional year. Commissioner Shreve seconded the motion that passed 5-0.

AGENDA BRIEFING

Commissioner Young noted the Board would hold a public hearing on Thursday, July 19 at 10:00 a.m. regarding the Jefferson Technology Park Community Development Authority.

CONSENT AGENDA

The following item was removed from the consent agenda:

- Purchasing Memo #13-002 – Library Materials Supplier for Frederick County Public Libraries
Award to: Various Vendors
Award amount: \$1,052,500.00

The following items remained on the consent agenda:

- Purchasing Memo #13-003 - Bid #12-44, FY 2013 Asphalt and Stone Materials
Award to: Various Vendors
Estimated award amount: \$904,389.41
- Purchasing Memo #13-005 - Bid #12-CP-19, Replacement of Woodville Road Culvert over North Fork Linganore Creek **and** Attached Budget Transfer
Award to: Kinsley Construction, Inc.
Award amount: \$715,529.00
- Purchasing Memo #13-006 - Bid #12-33, Sanitary Sewer Investigation and Cleaning Services **and** Attached Budget Transfer
Award to: Mr. Rehab, Inc.
Award amount: \$262,735.00
- #BT-12-190 Accounting, Finance Division
- Senior Health Insurance Program (SHIP) Grant Application – Carolyn True, Citizens Services Division
- Workforce Services Integrated Workforce Plan – Laurie Holden, Citizens Services Division

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Young seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

ADMINISTRATIVE BUSINESS

Purchasing Memo #13-002 – Library Materials Supplier for Frederick County Public Libraries – Bruce Johnson, Finance Division

Mr. Johnson, Ms. Lori Depies and Ms. Sylvia Jacobs, Finance Division; and Mr. Darrell Batson, Frederick County Public Libraries, commented on the purchasing request.

Commissioner Young moved to table Purchasing Memo #13-002 for one week. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

Commissioner Smith moved to rescind the vote on the Workforce Services Integrated Workforce Plan which was part of the consent agenda. Commissioner Young seconded the motion that passed 5-0

Bid Awards – Lori Depies, Finance Division

Purchasing Memo #12-236 – PeopleSoft Pension (Sole Source)

Commissioner Shreve moved to approve Purchasing Memo #12-236 as presented. Commissioner Young seconded the motion that passed 5-0.

Purchasing Memo #13-001 – Subscriptions to Electronic Databases – Frederick County Public Libraries (Sole Source)

Commissioner Shreve moved to table Purchasing Memo #13-001 for one week. Commissioner Delauter seconded the motion that passed 5-0.

Purchasing Memo #13-004 – School Bus Passing Violation Reporting System Using Externally Mounted Cameras

Commissioner Shreve moved to approve Purchasing Memo #13-004 as presented. Commissioner Young seconded the motion that passed 5-0.

Purchasing Memo #13-008 – FY 2013 Hardware and Software Maintenance Renewals Interagency Information Technologies

Commissioner Shreve moved to approve Purchasing Memo #13-008 as presented. Commissioner Young seconded the motion that passed 5-0.

Eastalco Request for Release and Termination Agreement – Michael Chomel, Office of the County Attorney

Mr. Bruce Dean, Esquire, Linowes and Blocher, representing Eastalco, commented on the request.

Commissioner Young moved to approve the agreement as presented. Commissioner Delauter seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

- Ralph Whitmore, Burgess, Town of Walkersville

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:10 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 2, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JULY 19, 2012
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 12, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, E. Soter, A. Bradley, D. Dunn, R. Santangelo and P. Morrow.

Topic Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes.

Action Taken:

The Board approved the acquisition of an interest in three (3) properties for agricultural preservation purposes.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JULY 12, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the county's response to a pending lawsuit.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JULY 19, 2012
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 12, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, K. Mitchell, K. Demosky, D. Dunn, R. Santangelo and P. Morrow.

Topic Discussed:

To discuss the county's response to a pending lawsuit.

Action Taken:

Staff was directed to offer a financial settlement and request the lawsuit be dismissed.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JULY 12, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the employment status of an individual county employee.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 12, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JULY 19, 2012
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 12, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Young seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Hose, D. Dunn, R. Santangelo and P. Morrow.

Topic Discussed:

To consider the employment status of an individual county employee.

Action Taken:

No action was taken.

Patti Morrow
Recording Secretary